

REMARKS

Claims 40, 42-48, 56 and 58-64 are pending. Claims 1-39, 41, 49-55 and 57 have been canceled. Claims 60-64 have been added. No claims have been allowed.

Applicants have canceled previously withdrawn Claims 49-55 to expedite prosecution in the present application, but reserve the option to file one or more divisional applications regarding the subject matter of cancelled claims 49-55.

With respect to the Examiner's objection regarding the drawings, Applicants respectfully submit that the "portable storage components" are shown in the drawings. As set forth in paragraph [0140] of the specification as originally filed, and as shown in Figs. 35-42, the portable storage components may be file pockets 276 and/or 278, for example. Therefore, Applicants respectfully submit that no amendments to the drawings are necessary.

Responsive to the rejection of Claims 40-48 and 56-59 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claim 1 of co-owned U.S. Patent No. 7,150,127 in view of U.S. Patent No. 5,038,539, Applicants submit herewith a Terminal Disclaimer which disclaims the term of any patent granted in the instant application that would extend beyond the maximum potential term of commonly-owned U.S. Patent No. 7,150,127.

The Examiner rejected Claims 40-42, 44-46, 48 and 56-58 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,038,539 to Kelley et al. ("Kelley et al. '539"), and rejected Claims 43, 47 and 59 under 35 U.S.C. §103(a) as being obvious in view of Kelley et al. '539.

Kelley et al. '539 discloses a partition system, shown in Fig. 1, which includes frames 40, shown in Fig. 3, having horizontal and vertical frame members. Referring to Fig. 4, and as discussed at col. 10, lines 8-37, tiles 30 are mounted to vertical frame members 42 by first inserting clips 68 of tiles 30 into openings 62 of frame members 42, and thereafter pivoting the tile 30 to a vertical position to engage spring clips 69 of tile 30 within openings 60 in vertical frame members 42. Various functional tiles are shown in Figs. 10-26, each of which is attached to the framework by the engagement of clips within slots in the vertical frame members of the framework, as shown in Figs. 13 and 16, for example. Referring to Figs. 14-16, a mail tile 200 extends through the interior space of the framework. A shared storage tile 224 is shown in Fig. 17 and a window tile 30d is shown in

Figs. 22 and 23, which includes a pane of glass mounted within a casement frame, which frame is then attached to a vertical frame in the manner shown in Fig. 23 and described above.

Independent Claims 40 and 56, as amended, each call for a partition system, including a framework having opposing vertical sides and a framework interior disposed between the opposing vertical sides, at least a pair of track members mounted to a side of the framework and disposed outwardly of the framework interior, the track members including mutually-facing tile receiving structures, and at least one tile including upper and lower edges, the tile mounted to the framework by receipt of the upper and lower edges within the tile-retaining structures of the track members, the tile including a storage area extending into the framework interior.

Independent Claim 40 additionally calls for a portable storage component receivable within the storage area, and independent Claim 56 additionally calls for a storage bin mounted to the tile and movable between a first position in which the storage bin is disposed within the storage area and a second position in which at least a portion of the storage bin is disposed outwardly of the storage area, together with a portable storage component receivable within the storage bin.

Referring to Figs. 1, 13A, 13B, 14, 16A and 42 of the present application, track members 146 are mounted to the partition system framework and are disposed outwardly of the framework interior. A pair of vertically spaced track members 146 include mutually-facing tile receiving structures 162 and 164, and at least one tile is mounted to the framework by receipt of the upper and lower edges of the tile within the tile-receiving structures of the track members. As discussed at paragraph [0139] of the specification as originally filed, the tile may include a storage area extending into the framework interior, such as body portion 272 of storage tile 270, shown in Figs. 37 and 38. Portable storage components 276, 278 are receivable within the storage area, as shown in Figs. 37-39, and the tile may further include a storage bin movable between first and second positions, together with a portable storage component 276 receivable within the storage bin, as shown in Figs. 43A and 43B.

Kelley et al. '539 fails to disclose the foregoing claimed structure. By contrast, although many of the tiles shown in Figs. 10-26 of Kelley et al. '539 may include portions extending into the framework interior, such tiles are mounted to the framework by clips which engage the vertical frame members of the framework, not by receipt of upper and lower edges of the tile within tile-

receiving structures of track members which are mounted to a side of the framework which is disposed outwardly of the framework interior. Kelley et al. '539 additionally fails to disclose a portable storage component receivable within a storage area of the tile which extends into the framework interior, as called for in independent Claim 40, or the storage bin and portable storage component receivable within the storage bin as called for in independent Claim 56.

Therefore, Applicants respectfully submit that independent Claims 40 and 56, as amended, as well as the claims which depend therefrom, are patentable over Kelley et al. '539.

New Claim 61 calls for a partition system, including a framework having opposing vertical sides and a framework interior disposed between the opposing vertical sides; at least a pair of track members mounted to a side of the framework and disposed outwardly of the framework interior, at least one of the track members including a channel opening outwardly with respect to the framework; at least one tile including upper and lower edges, the tile mounted to the framework by retention of the upper and lower edges of the tile between the track members, the tile including a storage area extending into the framework interior.

As discussed above, Kelley et al. '539 fails to disclose at least one tile including upper and lower edges and mounted to a framework by retention of the upper and lower tile edges between track members which are mounted to a side of the framework and disposed outwardly of the framework interior, the tile including a storage area extending into the framework interior.

Also, the claimed feature in new independent Claim 61, and in new Claim 60 which depends from independent Claim 40, of a track member having a channel opening outwardly with respect to the framework (*see* Fig. 13A of the present application, for example) the not disclosed in Kelley et al. '539.

Therefore, Applicants respectfully submit that new independent Claim 61, as well as the claims depending therefrom, are patentable over Kelley et al. '539.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested. Specifically, Applicants respectfully submit that the application is in condition for allowance and respectfully requests allowance thereof.

Application Serial No. 10/797,465
Amendment dated March 19, 2007
Reply to Office Action dated January 8, 2007

In the event Applicants have overlooked the need for an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby petition therefore and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

Should the Examiner have any further questions regarding any of the foregoing, he is respectfully invited to telephone the undersigned at (260) 424-8000.

Respectfully submitted,



Adam F. Cox
Registration No. 46,644

Attorney for Applicants

AFC/mt

BAKER & DANIELS LLP
111 East Wayne Street, Suite 800
Fort Wayne, IN 46802
Telephone: 260-424-8000
Facsimile: 260-460-1700

Enc. Return Postcard

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: March 19, 2007

ADAM F. COX, REG. NO. 46,644

Name of Registered Representative



Signature

March 19, 2007

Date